In accordance with 37 C.F.R. § 1.499, applicants elect with traverse group I, drawn to protein therapy employing a rho protein inhibitor. The requirement is traversed because applicants do not agree with the examiner's assessment that the claims provide "three distinct inventive concepts" as set out in the Office Action, page 3, line 1. All three groups exhibit a unity of invention under PCT Rule 13.2 because there is a technical relationship among the claimed inventions, as they all are related to the use of rho protein inhibitors to promote axon regeneration and share this common feature, no matter what the route of administration or method of identifying a useful inhibitor. This contribution is made over prior art treatments (or lack thereof) for each of the three groups, particularly groups I and II directed to protein administration. And the International Search Report mailed 23 December 1998 endorses this view as it did not indicate that unity of invention was lacking or that certain claims were found unsearchable.

Thus, all the claims have "a community of properties justifying their grouping which [is] not repugnant to principles of scientific classification" under U.S. restriction practice [*In re Harnish*, 631 F.2d 716, 206 U.S.P.Q. 300, 305, (C.C.P.A. 1980)], and are "so linked as to form a single general inventive concept" as set down in PCT Rules 13.2, 13.3, and 13.4. In general, in the U.S. an applicant has a "right to define what he regards as his invention as he chooses, so long as his definition is distinct" [*ibid.*]. That court and its successors have long recognized the advantages to the public interest in permitting applicants to claim all aspects of the invention so as to encourage the making of a more detailed disclosure of all aspects of their discovery.

> We believe the constitutional purpose of the patent system is promoted by encouraging applicants to claim, and therefore to describe in the manner required by 35 U.S.C. § 112, all aspects of what they regard as their inventions, regardless of the number of statutory classes involved.
>
> *In re Kuehl*, 177 U.S.P.Q. 250, 256 (C.C.P.A. 1973).

A search of one group of claims directed to rho protein inhibitors should lead to the references applicable to the others and should not be an undue burden for examination purposes.

Moreover, requiring applicant to pay filing fees, prosecution costs, issue fees, and maintenance fees for three patents for one invention directed to the use of rho protein inhibitors for axon regeneration *is* an undue burden for applicant, particularly as he has small entity status. For these reasons, applicant respectfully requests that the requirement for restriction be withdrawn.

If the undersigned can advance the prosecution of this application in any way whatsoever, please call at the number listed below.

Respectfully submitted,

on 10 November by

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